

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 19-
v.	:	DATE FILED:
JOSE RIVERA ROSALIE OLMEDO ELVIN TORO	:	VIOLATIONS:
	:	21 U.S.C. § 846, 841(a)(1) (conspiracy to distribute 100 grams or more of heroin - 1 count)
	:	21 U.S.C. § 846, 841(a)(1) (conspiracy to distribute 50 grams or more of methamphetamine - 1 count)
	:	21 U.S.C. § 841(a)(1), (b)(1)(B) (distribution of 100 grams or more of heroin – 1 count)
	:	21 U.S.C. § 841(a)(1), (b)(1)(A) (distribution of 50 grams or more of methamphetamine – 4 counts)
	:	21 U.S.C. § 841(a)(1), (b)(1)(C) (distribution of heroin – 2 counts)
	:	18 U.S.C. § 922(a)(1)(A) (dealing in firearms without a license – 1 count)
	:	18 U.S.C. § 922(g)(1) (possession of a firearm by a felon - 3 counts)
	:	21 U.S.C. § 860(a) (drug distribution in a protected zone – 7 counts)
	:	18 U.S.C. § 2 (aiding and abetting) Notices of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this Indictment:

1. Defendants JOSE RIVERA and ROSALIE OLMEDO, for a period in late 2017 and early 2018, resided together as a couple at a home located on the 2200 block of North Hancock Street, Philadelphia, Pennsylvania (“the North Hancock Street residence”).

2. The individual hereafter identified as “the Buyer,” whose identity is known to the grand jury, was a Confidential Informant working with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) posing as a private citizen interested in purchasing black market firearms and controlled substances.

3. Defendants JOSE RIVERA and ROSALIE OLMEDO regularly communicated with each other and the Buyer over cellular telephones to arrange for sales of controlled substances and firearms in the vicinity of the North Hancock Street residence.

4. Defendant ELVIN TORO supplied heroin to defendants JOSE RIVERA and ROSALIE OLMEDO so that the Buyer could arrange to purchase heroin from them.

5. From on or about December 14, 2017, through on or about January 5, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JOSE RIVERA,
ROSALIE OLMEDO, and
ELVIN TORO**

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally distribute controlled substances, that is 100 grams or more of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

MANNER AND MEANS

It was a part of that conspiracy that:

1. Defendants JOSE RIVERA, ROSALIE OLMEDO, and ELVIN TORO were business associates who sold heroin to the Buyer on multiple occasions for profit in Philadelphia, in the Eastern District of Pennsylvania.
2. Defendant JOSE RIVERA provided his telephone number, (XXX) XXX-9137, to the Buyer to arrange for sales of heroin and firearms to the Buyer.
3. Defendant ROSALIE OLMEDO provided her telephone number, (XXX) XXX-6179, to the Buyer to arrange for sales of heroin and firearms to the Buyer.
4. Defendant ELVIN TORO provided his telephone number, (XXX) XXX-7097, to the Buyer to arrange for sales of heroin to the Buyer.
5. Defendants JOSE RIVERA, ROSALIE OLMEDO, and ELVIN TORO collectively shared in the profits of their sales of heroin to the Buyer.
6. Defendants JOSE RIVERA, ROSALIE OLMEDO and ELVIN TORO communicated with each other over cellular telephones so that they could sell heroin to the Buyer.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, defendants JOSE RIVERA, ROSALIE OLMEDO, and ELVIN TORO, and others known and unknown to the Grand Jury, committed the following overt acts, among others, in Philadelphia, in the Eastern District of Pennsylvania:

On or about December 11, 2017:

1. Defendant JOSE RIVERA met with the Buyer in the vicinity of 2200 Mutter Street in Philadelphia, at which time defendant RIVERA provided the Buyer with a quote for prices to purchase at least one ounce of heroin.

2. During that same meeting, defendant RIVERA also showed the Buyer several firearms that he was willing to sell to the Buyer in the future.

3. On or about December 12, 2017, defendants JOSE RIVERA and ROSALIE OLMEDO contacted the Buyer via cellular telephone to confirm the details for an upcoming sale of heroin and a rifle to the Buyer scheduled to occur on December 14, 2017 in Philadelphia.

4. On or about December 14, 2017, in the vicinity of 2400 Mutter Street in Philadelphia, the Buyer purchased approximately 27.5 grams of heroin and a Mossberg, model MMR, semi-automatic rifle bearing serial number MMR09754A, from defendants ROSALIE OLMEDO and ELVIN TORO in exchange for \$2,700.

5. On or about December 19, 2017, inside of car parked in the vicinity of the North Hancock Street residence, defendants ROSALIE OLMEDO, JOSE RIVERA, and ELVIN TORO sold approximately 55.4 grams of heroin to the Buyer in exchange for \$3,700.

6. On or about January 5, 2018, in the vicinity of the North Hancock Street residence, defendants ROSALIE OLMEDO and ELVIN TORO sold approximately 111 grams of heroin to the Buyer in exchange for \$7,700.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 14, 2017, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**ROSALIE OLMEDO and
ELVIN TORO**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 14, 2017, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**ROSALIE OLMEDO and
ELVIN TORO**

knowingly and intentionally distributed, and aided the distribution of, a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, within 1000 feet of the real property comprising the El Centro de Estudiantes Public High School, a public high school, located at 126 West Dauphin Street in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Section, 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

In violation of Title 21, United States Code, Section 860(a).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 14, 2017, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ROSALIE OLMEDO,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed, in and affecting interstate commerce, a firearm, that is, a Mossberg 5.56 caliber rifle, bearing serial number MMR09754A.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 19, 2017, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JOSE RIVERA,
ROSALIE OLMEDO, and
ELVIN TORO**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 19, 2017, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JOSE RIVERA,
ROSALIE OLMEDO, and
ELVIN TORO**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, within 1000 feet of the real property comprising the El Centro de Estudiantes Public High School, a public high school, located at 126 West Dauphin Street in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Section, 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

In violation of Title 21, United States Code, Section 860(a).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 5, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**ROSALIE OLMEDO and
ELVIN TORO**

knowingly and intentionally distributed, and aided and abetted the distribution of, 100 grams or more, that is, approximately 111 grams of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 5, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**ROSALIE OLMEDO and
ELVIN TORO**

knowingly and intentionally distributed, and aided and abetted the distribution of, 100 grams or more, that is, approximately 111 grams of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, within 1000 feet of the real property comprising the El Centro de Estudiantes Public High School, a public high school, located at 126 West Dauphin Street in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Section, 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.

In violation of Title 21, United States Code, Section 860(a).

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 12, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ROSALIE OLMEDO,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed, in and affecting interstate commerce, a firearm, that is, a Hi-Point .45 caliber semi-automatic carbine rifle, bearing serial number R29184, and approximately 98 live rounds of .45 caliber ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT TEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 3, and Manner and Means paragraphs 1, 2, 3, 5 and 6 of Count One are incorporated here as to defendants JOSE RIVERA and ROSALIE OLMEDO.
2. From on or about January 23, 2018, through on or about April 5, 2018, in Philadelphia, in the Eastern District of Pennsylvania, and the District of New Jersey, defendants

**JOSE RIVERA and
ROSALIE OLMEDO**

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally distribute controlled substances, that is 50 grams or more of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objects, defendants JOSE RIVERA and ROSALIE OLMEDO, and others known and unknown to the Grand Jury, committed the following overt acts, among others, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere:

1. On or about January 12, 2018, the Buyer spoke to defendant ROSALIE OLMEDO on a cellular telephone, and, during their conversation, defendant OLMEDO said that her husband (defendant JOSE RIVERA) would sell the Buyer methamphetamine for \$1,200 per ounce.

2. On or about January 12, 2018, inside the North Hancock Street residence, defendant ROSALIE OLMEDO provided the Buyer with a small sample of methamphetamine so that Buyer would consider a larger purchase of methamphetamine from defendants OLMEDO and JOSE RIVERA in the future.

3. On or about January 23, 2018, in the vicinity of the North Hancock Street residence, defendant ROSALIE OLMEDO sold approximately 55.8 grams of methamphetamine to the Buyer in exchange for \$2,600.

4. On or about February 3, 2018, in the vicinity of the North Hancock Street residence, defendant JOSE RIVERA and ROSALIE OLMEDO sold approximately 113.8 grams of methamphetamine to the Buyer in exchange for \$5,100.

5. On or about March 16, 2018, inside of a house located on the 2200 block of Mutter Street in Philadelphia, defendants JOSE RIVERA and ROSALIE OLMEDO sold approximately 55 grams of methamphetamine and a Romarm-Cugir .762x39 millimeter semi-automatic rifle, model WASR-10, bearing serial number 1-27057-200, to the Buyer in exchange for \$2,800.

6. On or about April 5, 2018, in the vicinity of the North Hancock Street residence, defendants JOSE RIVERA and ROSALIE OLMEDO, and M.S., charged elsewhere, sold approximately 81.1 grams of methamphetamine to the Buyer in exchange for \$3,470.

7. On or about April 19, 2018, inside of a house located on North Pennsylvania Avenue in Atlantic City, New Jersey, defendants JOSE RIVERA and ROSALIE OLMEDO sold approximately 52.7 grams of methamphetamine to the Buyer in exchange for \$2,400.

All in violation of Title 21, United States Code, Section 846.

COUNT ELEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 23, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

ROSALIE OLMEDO

knowingly and intentionally distributed, and aided and abetted the distribution of, 50 grams or more, that is, approximately 55.8 grams of methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A), and Title 18, United States Code, Section 2.

COUNT TWELVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 23, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendants

ROSALIE OLMEDO

knowingly and intentionally distributed 50 grams or more, that is, approximately 55.8 grams of methamphetamine, a Schedule II controlled substance, within 1000 feet of the real property comprising the El Centro de Estudiantes Public High School, a public high school, located at 126 West Dauphin Street in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Section, 841(a)(1), (b)(1)(A).

In violation of Title 21, United States Code, Section 860(a).

COUNT THIRTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 3, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JOSE RIVERA and
ROSALIE OLMEDO**

knowingly and intentionally distributed, and aided and abetted the distribution of, 50 grams or more, that is, approximately 113.8 grams of methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A), and Title 18, United States Code, Section 2.

COUNT FOURTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 3, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JOSE RIVERA and
ROSALIE OLMEDO**

knowingly and intentionally distributed, and aided and abetted the distribution of, 50 grams or more, that is, approximately 113.8 grams of methamphetamine, a Schedule II controlled substance, within 1000 feet of the real property comprising the El Centro de Estudiantes Public High School, a public high school, located at 126 West Dauphin Street in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Section, 841(a)(1), (b)(1)(A), and Title 18, United States Code, Section 2.

In violation of Title 21, United States Code, Section 860(a).

COUNT FIFTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 16, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JOSE RIVERA and
ROSALIE OLMEDO**

knowingly and intentionally distributed, and aided and abetted the distribution of, 50 grams or more, that is, approximately 55 grams of methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A), and Title 18, United States Code, Section 2.

COUNT SIXTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 16, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JOSE RIVERA and
ROSALIE OLMEDO**

knowingly and intentionally distributed, and aided and abetted the distribution of, 50 grams or more, that is, approximately 55 grams of methamphetamine, a Schedule II controlled substance, within 1000 feet of the real property comprising the El Centro de Estudiantes Public High School, a public high school, located at 126 West Dauphin Street in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Section, 841(a)(1), (b)(1)(A), and Title 18, United States Code, Section 2.

In violation of Title 21, United States Code, Section 860(a).

COUNT SEVENTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 16, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JOSE RIVERA and
ROSALIE OLMEDO,**

each having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed, in and affecting interstate commerce, a firearm, that is, a Romarm-Cugir .762x39 millimeter semi-automatic rifle, model WASR-10, bearing serial number 1-27057-200.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT EIGHTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 5, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JOSE RIVERA and
ROSALIE OLMEDO**

and M.S., charged elsewhere, knowingly and intentionally distributed, and aided and abetted the distribution of, 50 grams or more, that is, approximately 81.1 grams of methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A), and Title 18, United States Code, Section 2.

COUNT NINETEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 5, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**JOSE RIVERA and
ROSALIE OLMEDO**

and M.S., charged elsewhere, knowingly and intentionally distributed, and aided and abetted the distribution of, 50 grams or more, that is, approximately 81.1 grams of methamphetamine, a Schedule II controlled substance, within 1000 feet of the real property comprising the El Centro de Estudiantes Public High School, a public high school, located at 126 West Dauphin Street in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Section, 841(a)(1), (b)(1)(A), and Title 18, United States Code, Section 2.

In violation of Title 21, United States Code, Section 860(a).

COUNT TWENTY

THE GRAND JURY FURTHER CHARGES THAT:

Beginning on or about December 14, 2017, through on or about March 16, 2018, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**JOSE RIVERA and
ROSALIE OLMEDO**

willfully engaged in, and aided and abetted engaging in, the business of dealing in firearms by obtaining and selling firearms, for livelihood and profit, without being licensed to do so under the provisions of Chapter 44, Title 18, United States Code.

In violation of Title 18, United States Code, Sections 922(a)(1)(A), 924(a)(1)(D), and 2.

NOTICE OF FORFEITURE 1

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 922(a)(1)(A), 922(g)(1), as set forth in this indictment, defendants

**JOSE RIVERA and
ROSALIE OLMEDO**

shall forfeit to the United States of America all firearms and ammunition involved in the commission of these offenses, including but not limited to:

1. a Mossberg MMR, semi-automatic rifle, bearing serial number MMR09754A;
2. a Hi-Point .45 caliber semi-automatic carbine rifle, bearing serial number R29184, and 98 live rounds of .45 caliber ammunition; and
3. a Romarm-Cugir .762x39 millimeter semi-automatic rifle, model WASR-10, bearing serial number 1-27057-200.

All pursuant to Title 18, United States Code, Section 924(d), made applicable by Title 28 United States Code, Section 2461(c).

NOTICE OF FORFEITURE 2

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841(a)(1), set forth in this indictment, defendants

**JOSE RIVERA,
ROSALIE OLMEDO, and
ELVIN TORO**

shall forfeit to the United States of America:

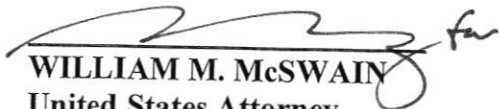
- a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations and;
 - b) any property constituting, or derived from, proceeds obtained, directly or indirectly, from the commission of such violations, including all United States Currency.
2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:
- a) cannot be located upon the exercise of due diligence;
 - b) has been transferred or sold to, or deposited with, a third party;
 - c) has been placed beyond the jurisdiction of the Court;
 - d) has been substantially diminished in value; or
 - e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

FOREPERSON


WILLIAM M. McSWAIN
United States Attorney